



## Enclosure One

### Public Comments and IDEM Responses Concerning Non-Regulatory Deficiencies in the Indiana Title V Operating Permit Program

1. Comment: Indiana's Title V model permit language says sources are not required to report as a deviation the failure to perform monitoring unless such failures exceed five percent of the recorded data.

Response: Indiana has removed this provision from the Title V permit model.

2. Comment: Indiana's Title V model permit language excuses monitoring failures if the failures are less than five percent of the recorded data and there was a temporary unavailability of qualified staff to perform the monitoring.

Response: Indiana has removed this provision from the Title V permit model.

3. Comment: Indiana's Title V model permit language does not require sources to begin monitoring immediately after permit issuance.

Response: The model instructions have been revised to clarify that the time frame for implementing new compliance monitoring and record keeping requirements shall be determined by how much time is necessary for the source to install the equipment and begin the monitoring.

4. Comment: Indiana's model permit language for "Actions Related to Noncompliance Demonstrated by a Stack Test" and "General Reporting Requirements" state that documents submitted pursuant to these conditions do not require the certification by the responsible official as defined in 326 IAC 2-7-1(34).

Response: Indiana has revised "Actions Related to Noncompliance Demonstrated by a Stack Test" so that the documents submitted pursuant to that condition require the certification by the responsible official. In October 2000 "General Reporting Requirements" was revised so that the documents submitted pursuant to that condition require the certification by the responsible official.

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5. Comment: Minor permit modifications, which are not subject to public review, qualify for a Title V permit shield under the Indiana Title V regulations.

Response: Indiana adopted changes to the modification rules in 326 IAC 2-7-12 that now require a 30 day public notice period for minor modifications.

6. Comment: The Indiana Title V regulations allow sources to certify compliance with alternative or streamlined limits instead of the original Clean Air Act limit.

Response: Indiana has removed the White Paper II streamlining language from the permit application requirements in 326 IAC 2-7-4 and the permit content requirements in 326 IAC 2-7-5. The section in 326 IAC 2-7-24 for the establishment of streamlined requirements for units subject to multiple requirements has been revised.

7. Comment: The Indiana regulations allow construction permits to automatically be superceded into state operating permits, implying that the construction permits expire.

Response: All permits in Indiana expire in 5 years pursuant to IC 13-15-3-2. The conditions in a construction permit will now expire in accordance with the requirements in 326 IAC 2-1.1-9.5. The new section clarifies that conditions established in a permit issued pursuant to a permitting program approved into the SIP shall remain in effect until the condition is modified in a subsequent permit action, or the emission unit permanently ceases operation. The procedures for doing this have been outlined in Enclosure Three, the Protocol for Incorporating Federally-Enforceable Permits into Title V Operating Permits.

8. Comment: 326 IAC 2-7-5(1)(E) of the Indiana Title V regulations considers exceedance of a permit limit and the corresponding operating parameter to count as only one potential violation.

Response: Indiana has removed 326 IAC 2-7-5(1)(E).

9. Comment: 326 IAC 2-7-5(1)(F) of the Indiana Title V regulations allows emission limit exceedances for startups, shutdowns, and malfunctions to be addressed on a case-by-case basis in Title V permits.

Response: Indiana has removed 326 IAC 2-7-5(1)(F).

10. Comment: 326 IAC 2-1.1-3 of the Indiana regulations establishes unacceptably high emission levels that qualify for an exemption from Title V permit requirements.

Response: 326 IAC 2-1.1-3 has been revised to clarify that the exemptions provided do not apply to Title V permit modifications.